

**Enrolled Minutes of the Seventy-eighth Regular or Special Meeting
For the Twenty-Sixth Highland Town Council
Regular Meeting
Monday, February 28, 2011**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 28, 2011 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the proposed ordinance that if adopted would establish a Main Street Bureau Board of Directors within the Redevelopment Department.
3. The Town Clerk-Treasurer briefed the Town Council regarding a phone call he received from the Director of the Lake County Combined Election and Voter Registration Board. The Clerk-Treasurer further reported that the Director was seeking a letter from the Clerk-Treasurer in order to allow the County to not conduct a municipal primary. The Clerk-Treasurer further reported that he communicated to the Director, it was his belief that the governing statute provided that in the event there were no contested offices in a municipal primary, no primary election would be conducted unless the County party chairs requested otherwise in writing not later than seven days following the candidate filing deadline. The Clerk-Treasurer provided the text from IC 3-10-6-4(h) for review by the Town Attorney. It was noted that the Town Council President had been contacted by the Election Director as well. It was informally determined that no letter or action be taken by the Town Council or its officers, noting that the primary would be likely cancelled by operation of law.
4. The Town Council discussed with the Public Works Director a recent contact by the Indiana Department of Natural Resources, regarding some low altitude spraying it was conducting to combat Gypsy Moths. It was noted that the spraying was scheduled by the IDNR and it had contacted residents in the affected areas of Highland by mail of the times for the spraying.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 28, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian J. Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Ed Dabrowski, IT Director; Lisa Gauthier, of the Community Events Commission and Robin Carlascio, Editor of the municipal newsletter, were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 14 February 2011 were approved by general consent.

Unfinished Business and General Orders:

1. **Works Board Order No. 2011-08:** An Order to Approve and Ratify an Agreement between the Town of Highland Metropolitan Police Department and John Townsend for Investigative Analyst Services related to Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its operation.

Councilor Herak moved the passage and adoption of the Works Board Order. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

Town of Highland Board of Works Order of the Works Board 2011-08

An Order Approving, Authorizing and Ratifying the Metropolitan Police Chief to Enter an Agreement between the Town of Highland Metropolitan Police Department and John Townsend for Investigative Analyst Services related to the Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its operation, pursuant to IC 5-22 and §31.18(C) of the Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to contract for certain Contract Investigative Analyst services in conjunction with the application of the Child Sexual Predator Program Grant and has further determined that this contract qualifies as a special purchase, pursuant to Section §31.20 (I)(16) of the Highland Municipal Code;

Whereas, The contract price for the contracted services is in excess of \$10,000 and is for a term of 24 months, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase will supported by a duly approved appropriation in the **Child Sexual Predator Grant Fund**; and

Whereas, The Town Council now desires to approve, authorize and ratify the Metropolitan Police Chief to enter into a special service agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1 That the Works Board hereby finds and determines that the term and provisions of the agreement herein including but not limited to the hourly rate of \$25 per hour, not to exceed 32 hours per week are reasonable and fair;

Section 2 That the Works Board further hereby finds and determines that the purchase does qualify as a special purchase, pursuant to IC 5-22-10 and § 31.20 (I) (10) of the Highland Municipal Code, in that purchase of the

required services under another purchasing method set forth in the code would seriously impair the functioning of the using agency;

Section 3. That the agreement with John Townsend to provide Contract Analyst services as described in the Child Predator Program Agreement, is hereby authorized, approved and ratified in each and every respect;

Section 4. That the Metropolitan Police Chief is now authorized, approved and ratified to execute the purchase agreement and any additional documents in order to implement this agreement from its date of August 9, 2010 and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Be it So Ordered.

DULY, PASSED, ADOPTED AND Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14th day of February 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2011-09:** An Order Authorizing and Approving an Eighth change order to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45th Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18.

Councilor Herak moved the passage and adoption of the Works Board Order. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2011-09**

AN ORDER AUTHORIZING and APPROVING AN EIGHTH CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45TH AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

Whereas, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

Whereas, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed addendum to the original construction contract, to be known as the eighth addendum; and

Whereas, Addendum eight adds a net increase in the amount of \$35,903.00 owing to the need to remove and replace a section of existing water main that has deteriorated; and

Whereas, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Eighth Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2. That this Eighth Addendum is hereby ordered to be known as **Change Order No. 8**, issued to a add net increase to the original agreement in the net increased amount of **thirty-five thousand, nine hundred three dollars and no cents (\$35,35,903)**, bringing the total value of the entire agreement with any and all change orders approved to date to four million, three hundred fifty-two thousand, seven hundred ninety dollars and fourteen cents (**\$4,352,790.14**) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

Section 3. That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of February 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1488.1439-A:** Amending the Ordinance establishing the Special Public Safety Fund, to permit grant proceeds and revenue sources as may be identified from time to time to be among its authorized financial resources.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1488.1439-A. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1488.1439-A. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

**ORDINANCE NO. 1488.1439-A
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO FURTHER AMEND THE HIGHLAND MUNICIPAL CODE BY MODIFYING PROVISIONS RELATED TO THE SPECIAL PUBLIC SAFETY FUND AND THE SPECIAL SANITARY DISTRICT PUBLIC SAFETY FUND, PURSUANT TO IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers

necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Civil Town in the amount of \$126,703, and the proceeds may only be used for public safety purposes;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Town of Highland Sanitary District in the amount of \$3,143 and the proceeds may only be used for public safety purposes;

WHEREAS, The Town Council has determined that it would be desirable to establish a special fund or funds and to allow the fund or funds to be used for public safety purposes; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as a further amendment to the Highland Municipal Code related to the Special Public Safety Fund and the Special Sanitary District Public Safety Fund, in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That Ordinance No. 1439 is repealed in its entirety, provided the funds on deposit to the credit of funds that were established by Ordinance 1439 shall be credited to and remain with the successor funds created by this ordinance;

Section 2 The Highland Municipal Code is hereby amended by adding a new Chapter or Subchapter, as the Clerk-Treasurer may direct, to be numbered ____ and to be entitled: Special Public Safety Fund, which shall read as follows:

SPECIAL PUBLIC SAFETY FUND

§ XXX.01 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the *Special Public Safety Fund*, pursuant to IC 36-1-3 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. **Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund; and**
4. **Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant.**

(D) The *Special Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the *Special Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To pay the deductibles on insurance not already provided for in other funds of the municipality, provided it is for public safety purposes;

3. To pay monetary settlements, damages or claims in consequence of a legal cause of action, provided it is related to public safety purposes;
4. To purchase gasoline and oil for the operation of motorized vehicles used for public safety purposes;
5. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
6. To pay expenses related to maintenance and repairs of the emergency and weather warning siren system of the Town;
7. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and possesses or is related to a public safety purpose.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the *Special Public Safety Fund* may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the *Special Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

(A) All unused and unencumbered cash on deposit to the credit of the *Special Public Safety Fund* does not revert to the corporation general fund nor to any other fund but shall remain with the *Special Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire the fund, following completion of the required audit by the State Board of Accounts.

Section 3 The Highland Municipal Code is hereby amended by adding a new subchapter to be numbered § 170.90 through §170.94 and to be entitled: *Special Sanitary District Public Safety Fund*, which shall read as follows:

SPECIAL SANITARY DISTRICT PUBLIC SAFETY FUND

§ 170.90 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Department of Public Sanitation and its Sanitary District of the Town of Highland, to be called the *Special Sanitary District Public Safety Fund*, pursuant to IC 36-1-3 et seq., IC 36-9-25 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Sanitary District Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Sanitary District Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. **Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund; and**
4. **Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant.**

(D) The *Special Sanitary District Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Sanitary District Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

§ 170.91 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the *Special Sanitary District Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To purchase of gasoline and oil for the operation of motorized vehicles used for public safety purposes;
3. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
4. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and that possesses or is related to a public safety purpose.

§ 170.92 EXPENDITURE UPON APPROPRIATION

Expenditures from the *Special Sanitary District Public Safety Fund* may be made only upon appropriation by the Board of Sanitary Commissioners for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Board of Sanitary Commissioners, all pursuant to IC 5-11-10 and IC 36-9-25.

§ 170.93 INVESTMENTS AUTHORIZED

Money in the *Special Sanitary District Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ 170.94 PRESERVATION and DISPOSITION OF FUND ASSETS

(A) All unused and unencumbered cash on deposit to the credit of the *Special Sanitary District Public Safety Fund* does not revert to the corporation general fund nor to any other fund of the municipality or the Sanitary District but shall remain with the *Special Sanitary District Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by ordinance of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire and abolish the fund, following completion of the required audit by the State Board of Accounts.

Section 4. That the provisions provided in Ordinance No. 1356 and restated in Ordinance No. 1408, which particularly provide the following are still in full force and effect:

(A) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Civil Town in the amount of **\$126,703**, minus any expended under the authority of a prior ordinance, shall remain on deposit to the credit of the **Special Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund; and

(B) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Sanitary District in the amount of **\$3,143** shall remain on deposit to credit of the **Special Sanitary District Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund;

Section 5 That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and are of no further force or effect. The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the **codification** of the particular provisions ordinance, where necessary.

Section 6. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of February 2011. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th day of February 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Proposed Ordinance No. 1489:** An Ordinance to Amend the Highland Municipal Code, Establishing and Authorizing a Highland Main Street Bureau, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency. *(If adopted, Town Council President and Town Council can make appointments.)*

Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1489. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Ordinance No. 1489. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

ORDINANCE No. 1489
of the
TOWN of HIGHLAND, INDIANA

A N O R D I N A N C E t o A M E N D t h e H I G H L A N D M U N I C I P A L C O D E , E S T A B L I S H I N G A N D
A U T H O R I Z I N G A H I G H L A N D M A I N S T R E E T B U R E A U , R E P E A L I N G A L L O R D I N A N C E S I N C O N F L I C T
T H E R E W I T H , a n d D E C L A R I N G a n E M E R G E N C Y

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-7-4 specifically provides that a unit of local government shall govern planning and development according to its terms and provisions;

WHEREAS, The Town Council has previously adopted the provisions of IC 36-7-4 establishing a plan commission and IC 36-7-14 establishing a redevelopment commission;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code to Establish and Authorize a Highland Main Street Bureau, a section within the Redevelopment Department, to be an exercise of local authority consistent with the provisions of IC 37-7-4, IC 36-7-14 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that the amendment of the Highland Municipal Code to Establish and Authorize a Highland Main Street Bureau would further perfect the organization of the municipality and advance its ability to provide and manage economic development and redevelopment in the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Chapter or Subchapter, as the Clerk-Treasurer may direct, to be numbered ____ and to be entitled: *Highland Main Street Bureau*, which shall read as follows:

Redevelopment Department: Highland Main Street Bureau

§ XXX.01 ESTABLISHMENT

There is hereby authorized, created and established a subdivision of the Redevelopment Department of the Town of Highland, to be called the *Highland Main Street Bureau*, pursuant to IC 36-1-3, and IC 36-7 et seq.;

§ XXX.02 BOARD of DIRECTORS

(A) The Highland Main Street Bureau shall have a board of directors, which shall consist of not less than seven (7) members and not more than twenty (20) members, as follows:

- (1) The municipal executive shall appoint four (4) special constituency members, one of which shall be chosen from the membership of the **Highland Town Council**; one of which shall be chosen from the membership of the **Highland Economic Development Commission**; one of which shall be chosen as a representative of the **Highland Chamber of Commerce**, from its membership or staff; and one of which shall be chosen as a representative of the **Highland Downtown Association** from its membership.
- (2) The municipal legislative body shall appoint up to eleven (11) persons, who must be Highland residents who are interested in the objects and purposes of the Main Street Bureau.
- (3) The entire membership of the Highland Redevelopment Commission shall be members by virtue of their office.

(B) The clerk of the municipal legislative body shall certify members appointed by legislative body and the executive shall certify his appointments. The certificates shall be sent to and made a part of the records of the Redevelopment Department.

§ XXX.03 TERMS OF SERVICE and MEMBERSHIP EXPECTATIONS

(A) Each member selected under section XXX.02 (A)(2) shall be appointed for a term of two (2) years and may not serve more than four years in any six-year period. Each member initially chosen under this ordinance, shall serve a term that expires on the first Monday of January following the appointment. Thereafter, appointments shall run from the date of appointments, for a period not to exceed two years, concluding on the first Monday of January of the second year after the year of the member's appointment. If there is a vacancy for any reason, then the term is for the balance remaining on the unexpired term of the vacating member.

(B) A member selected under section XXX.02 (A)(1) serves until his or her successor is appointed and qualified. Additionally, the term of office of a member who is appointed from the membership of the Town Council or the Economic Development Commission, is coextensive with the member's term of office on that body. An original or a replacement member is eligible for reappointment.

(C) Members serve without compensation, but may be reimbursed for reasonable expenses incurred in furtherance of the purposes and objectives of this ordinance. Reimbursements are subject to State and local law, and may be allowed by the Redevelopment Commission as that body allows other expenditures.

(D) A citizen member may not hold other elective or appointive office in municipal, county, or state government.

(E) All members of the Highland Main Street Bureau and its Board of Directors are expected to actively participate in activities of the organization and its board including but not limited to (1) participation in meetings of the board; (2) supporting and encouraging the participation of others, such as business leaders, community leaders and other citizens, when appropriate; and (3) contribution of time, talent and information.

§ XXX.04 MEMBERSHIP VACANCIES AND REMOVAL

(A) The appointing authority may remove a member from the board of directors for any reason. Members appointed by either the municipal executive or the legislative body, serve at the pleasure of the appointing authority.

(B) If a vacancy occurs among the appointed members of the board of directors, then the appointing authority shall appoint a member for the unexpired term of the vacating member.

§ XXX.05 QUORUM, OFFICIAL ACTION AND ORGANIZATION

(A) A quorum consists of a majority of the entire membership of the board of directors.

(B) Action of the board of directors is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the board of directors.

(C) At its first regular meeting in each year, the board of directors shall elect from its membership a president and a vice president. The vice president may act as president of the board of directors during the absence or disability of the president.

(D) The board of directors may elect or appoint and fix the duties of a secretary, who is not required to be a member of the board of directors.

§ XXX.06 QUARTERS, RECORDS AND MEETINGS OF THE BOARD

(A) The municipality shall provide suitable offices for the holding of board of directors meetings.

(B) The board of directors shall fix the time for holding regular meetings each month or as necessary. The board of directors shall keep minutes of its meetings. The minutes of board of directors meetings and all records shall be filed in the office of the Redevelopment Department and are public records.

(C) Special meetings of the board of directors may be called by the president or by two (2) members of the board upon written request to the secretary or the Redevelopment Director.

(D) The secretary shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:

- (1) the date, time, and place of a special meeting are fixed in a regular meeting; and
- (2) all members of the board of directors are present at that regular meeting.

(E) All meetings of the board of directors are subject to the provisions of IC 5-14-1.5 et sequitur. Memoranda or minutes of meetings shall be made available within a reasonable time following meetings.

§ XXX.07 EXPENDITURES AND APPROPRIATIONS

(A) The fiscal body of the municipality may make appropriations to carry out the duties of the board, which shall be accounted for in the proper fund of the Redevelopment Department.

(B) The Redevelopment Commission may expend, in accordance with applicable municipal fiscal procedures, all amounts appropriated to it for the purposes and activities authorized by this chapter.

§ XXX.08 GIFTS AND GRANTS

(A) The municipality may accept gifts, donations, and grants from private or governmental sources for Highland Main Street Organization purposes

(B) Any money so accepted shall be deposited with the municipality in the fund established by Ordinance No. 1469, codified as _____, entitled *Economic Development Non-Reverting Fund* to be available for expenditures by the Redevelopment Commission for the purpose designated by the source.

(C) The resources identified in this section are authorized to be deposited to the credit of the *Economic Development Non-Reverting Fund in addition to any funds that are authorized under the fund's enabling ordinance.*

§ XXX.09 POWERS AND DUTIES

(A) The Board of Directors of the Highland Main Street Bureau may enlist and employ the resources of the Redevelopment Department, as the Redevelopment Commission may direct or allow, for the discharge of the duties of the Highland Main Street Bureau.

(B) The Highland Main Street Bureau shall:

- (1) strive to effectively and efficiently develop steps to restore, revitalize and promote the downtown of Highland. The downtown shall include but not be limited to all structures, attractions, and properties in the downtown area of Highland.
- (2) promote growth, development, and stability in our downtown and utilize public/private partnerships to achieve those goals;
- (3) prepare and submit an annual budget in the same manner as other departments of the municipal government and be limited in all expenditures to the provisions made for the expenditures by the fiscal body of the municipality.

(C) The Highland Main Street Bureau, through its board of directors may:

- (1) adopt rules or operating bylaws for the administration of the board that are not inconsistent with the provisions and purposes of this ordinance, and state or municipal law.
- (2) adopt and carryout a written work plan;

(D) It shall be the duty of the Highland Main Street Bureau, through its board of directors to the extent practicable, to employ the following Indiana Main Street recommended four point approach in the exercise of it powers:

- (1) Address the issue of **Design** or enhancing the physical appearance of the Highland Downtown by rehabilitating historic buildings, encouraging supportive new construction, developing sensitive design management systems and long-term planning. Further, it is the goal to work with all these elements to create a friendly, attractive place that will draw in visitors and businesses.
- (2) **Organize for success** by building consensus and cooperation among the many groups and individuals involved in the revitalization process to ensure a self-reliant, broad-based, long-lasting downtown revitalization program. Foster cooperation from both the public and the private sector to achieve long-term, large-scale results.
- (3) Employ **promotion** by marketing the commercial district's assets to customers, potential investors, businesses, local citizens, and visitors. To keep investors, visitors, and businesses

coming downtown, work to reshape the community perspective of the Highland Downtown as a hub of activity. Build upon the community's unique heritage and culture send a consistent, compelling message promoting the downtown area.

- (4) Employ **economic restructuring**, strengthening the district's existing economic base while finding ways to expand it to meet new opportunities and challenges from outlying development. Highland Main Street Bureau's ultimate goal is to make the Highland downtown economically viable. Researching the regional market and consumer trends will provide a realistic picture of what market mix will work for the Highland downtown. Employing research, the Highland Main Street Bureau can begin stabilizing existing businesses and recruiting new businesses to fill the gaps.

§ XXX.10 GRANTS IN AID

The Highland Main Street Organization Board of Directors may, within its approved budget, negotiate for grants-in-aid and agree to terms and conditions attached to them, subject to the approval of the Redevelopment Commission.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and have no further force or effect. *The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions of this ordinance.*

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of February 2011. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Ordained and Adopted this 28th day of February 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Appointments. The Town Council President executed and announced his appointments, pursuant to the provisions of the ordinance just adopted as follows:

Mr. George Vande Werken, 2925 44th Street, Highland was appointed to serve as the *Economic Development Commission* representative.

Mr. Bernie Zemen, 2736 43rd Street, Highland was appointed to serve as the *Highland Town Council* representative.

Ms. Cindy Rivera, 3846 Sandalwood Drive, Highland was appointed to serve as the *Highland Chamber of Commerce* representative.

5. **Resolution No. 2011-08:** A Resolution of the Town Council regarding a finding and determination of credit balances associated with dormant solid waste accounts as abandoned or unclaimed property and authorizing their distribution and transfer to the Indiana Attorney General.

Councilor Kuiper moved the passage and adoption of Resolution No. 2011-08. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Resolution No. 2011-08 was adopted.

**THE TOWN of HIGHLAND
TOWN COUNCIL
RESOLUTION No. 2011-08**

A Resolution Finding and Determining that Certain Unclaimed Solid Waste Management User fees Overpayments of the Municipality as Abandoned, Authorizing and Instructing the Municipal Fiscal Officer to Transfer Such Overpayments to the Indiana Attorney General Office of Unclaimed Property, and reducing the Accounts Payable Balance by the Relevant Amount, all Pursuant to IC 36-9-30 et Seq., and

Whereas, The Highland Town Council as municipal legislative and fiscal body, provides solid waste management services, supported by user fees and charges all pursuant to I.C. 36-9-30 as amended;

Whereas, Indiana Code 32-34 provides for the disposition of certain consumer accounts credits, which go in active for a period of three years after the credit becomes payable;

Whereas, Indiana Code 36-9-30-7 and Chapter 170 of the Highland Municipal Code provides that the Town Council has proper jurisdiction to manage and control the solid waste management program;

BE IT HEREBY RESOLVED BY the Town Council, which is both the fiscal and legislative body of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That regarding the solid waste management services account credits as listed in the attached **Exhibit A**, made by solid waste management services consumers to satisfy payment for those services, the Town Council hereby finds and determines the following:

- (a) That the credit balances for the listed accounts have remained unclaimed by the person appearing on the records of the municipality entitled thereto; and
- (b) That the person appearing on the records of the municipality for the listed accounts has not communicated in writing with the Town nor otherwise given an indication of interest in the credit balance during the period of three (3) or more years after the credit became payable; and,
- (c) That the credit balances for the listed accounts are now hereby presumed and deemed to be abandoned, all pursuant to IC 32-34-1-20 (c)(3);

Section 2. That the Town Council authorizes and instructs the municipal fiscal officer to transfer to the Indiana Attorney General, Unclaimed Property Division, such solid waste management services credits as described herein and identified in the attached exhibit;

Section 3. That the Clerk-Treasurer as municipal fiscal officer, is further hereby directed and authorized to perform such duties and modify such accounts as to fulfill the purpose of and to carry-out the provisions of this resolution, including but not limited to removing the credit balances from the accounts listed in the attached exhibit;

Duly Approved and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 28th day of February, 2011 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT AS ATTACHED ON FILE

6. **Resolution No. 2011-09:** A Resolution of the Town Council regarding the finding and determination of certain delinquent balances associated with dormant solid waste accounts as uncollectible and authorizing their discharge and removal as receivables.

Councilor Vassar moved the passage and adoption of Resolution No. 2011-09. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Resolution No. 2011-09 was adopted.

**THE TOWN of HIGHLAND
TOWN COUNCIL
RESOLUTION No. 2011-09**

A Resolution Finding and Determining that Certain Outstanding or Delinquent Solid Waste Management Consumer Accounts of the Municipality as Uncollectible, Outside the Likely and Reasonable Collection Provisions of IC 36-9-30 and Chapter 170 of the Highland Municipal Code, and Authorizing and Instructing the Municipal Fiscal Officer to Expense Such Accounts according to these terms reducing the Accounts Receivable Balance by the Relevant Amount, all Pursuant to IC 36-9-30 et Seq.

Whereas, The Highland Town Council as municipal legislative and fiscal body, provides solid waste management services, supported by user fees and charges all pursuant to I.C. 36-9-30 as amended;

Whereas, Indiana Code 32-34 provides for the disposition of certain consumer accounts credits, which go in active for a period of three years after the credit becomes payable;

Whereas, Indiana Code 36-9-30-7 and Chapter 170 of the Highland Municipal Code provide that the Town Council has proper jurisdiction to manage and control the solid waste management program;

BE IT HEREBY RESOLVED BY the Town Council, which is both the fiscal and legislative body of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That regarding the solid waste management services accounts as listed in the attached **Exhibit A**, the Town Council hereby finds and determines the following:

(b) That the delinquent balances in the total amount of \$2,342.23 for the listed solid waste management services accounts are found and determined to be overdue user fees; and

(b) That the delinquent balances are not likely or reasonably expected to be collected under the terms of the relevant provisions herein, or the cost of enforced collection will exceed the amount of the delinquent balances; and,

(c) That the delinquent balances for the listed accounts are now hereby confirmed as overdue user fees for finaled accounts, representing accounts that have been dormant, uncollectible in character the presence of which misrepresents the balance sheets of the municipal particularly regarding its solid waste management services accounts receivable balance;

Section 2. That the Town Council authorizes and instructs the municipal fiscal officer to take such measures as necessary to properly expense the accounts represented and set forth in **Exhibit A** as overdue user fees for finaled accounts, uncollectible in character and make the proper adjustments and reductions in the balance sheets of the municipal particularly regarding its solid waste management services accounts receivable balance;

Section 3. That the Clerk-Treasurer as municipal fiscal officer, is further hereby directed and authorized to perform such duties and modify such accounts as to fulfill the purpose of and to carry-out the provisions of this resolution.

Duly Approved and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 28th day of February, 2011 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT AS ATTACHED ON FILE

7. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Bell Parts Supply, Inc., 2609 45th Avenue, Highland.** At its meeting of April 28, 2008, the Highland Town Council approved Bell Parts Supply's application for property tax abatement upon the increase in assessed value in consequence of construction of a new building addition and façade improvements at 2609 Forty Fifth Street, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the first review of compliance for this property.

(a) The Town Council received the report of the Redevelopment Director regarding Bell Parts Supply's compliance with its *Statement of Benefits* and the information set forth in the Form CF-1.

(b) Action of the Town Council regarding Bell Parts Supply's Compliance with its Statement of Benefits approving or disapproving the information set for the Form CF-1. The Town

Council may either move to find Bell Parts Supply in compliance with its statement of benefits and approve the Form CF-1 or it may move to find it non-compliant with its statement of benefits and disapprove the Form CF-1.

Councilor Vassar moved to find Bell Parts Supply in compliance with the terms of its abatement and to approve the form CF-1. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Bells Part Supply was found in compliance and its CF-1 Form was approved.

Mr. David Bell presented his check for his abatement fee to the Clerk-Treasurer in the amount of \$4,750.

8. Action to approve compensatory time off for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

8.1 Request from Clerk-Treasurer to permit the Deputy Clerk-Treasurer to use 40 hours of compensatory time (accrued and recorded as real hours no premium) as paid time off.

Councilor Zemen moved to approve the request of the Town Clerk-Treasurer and to authorize the use of not more than 40 hours of compensatory time off as indicated, by the Deputy Clerk-Treasurer. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use of compensatory time as indicated was approved.

9. Action to authorize the proper officer to publish legal notice of a public hearing for proposed additional appropriations in excess of the 2011 Budget for the Gaming Revenue Sharing Fund in the amount of \$57,058.25 and the Special Public Safety Fund, in the amount of \$485,000.

Councilor Herak moved to authorize the proper officer to publish legal notice to support the public hearing for the additional appropriations as described. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication of the legal notice for a public hearing was authorized.

10. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

10.1 The Metropolitan Police Chief requests favorable action for P. Vassar, who is an exempt salaried employee, assistant chief and patrol division commander, in the amount of \$100 for work associated with Highland Grove Mall Special Security.

10.2 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$300 for work associated with Highland Grove Mall Special Security.

Councilor Herak moved to approve the request of the Metropolitan Police Chief and to authorize the payment of overtime for R. Potesta, an exempt salaried employee, in the indicated amount. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime payment for R. Potesta as indicated was approved.

Councilor Herak moved to approve the request of the Metropolitan Police Chief and to authorize the payment of overtime for P. Vassar, an exempt salaried employee, in the indicated amount. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Kuiper and

Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The overtime payment for P. Vassar as indicated was approved.

While he did not state his reasons in this meeting, Councilor Vassar previously has abstained owing to the fact that Commander P. Vassar is his brother, and he wished to avoid the appearance of a conflict of interest.

NEW BUSINESS

Liaison Appointment for Town Board of Metropolitan Police Commissioners. With leave from the Town Council, the Town Council President announced that Councilor Zemen had expressed a desire to no longer serve as liaison to the Town Board of Metropolitan Police Commissioners. The Town Council President then announced the appointment of Councilor Kuiper as the successor liaison.

Comments from the Town Council Members (For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen recognized the Parks and Recreation Superintendent who reported on the progress of the Lincoln Center Reconstruction Project. The Parks and Recreation Superintendent also reported on the enrollment in several recreation programs.

- **Councilor Mark Herak:** *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak recognized the Public Works Director who reported that status of the SCADA construction for the water and sewer utilities. The Public Works Director also noted that bids were soon to be received for the Parrish Avenue Sanitary Sewer Project. The Public Works Director also reported that the Indiana Department of Transportation Improvement Project regarding the portion of US 41 north of Ridge Road and south 81st Street, that involves improvements and eliminating the bridge in that segment, was now likely to be let in May 2011.

- **Councilor Dan Vassar:** • *Plan Commission member.*

Councilor Vassar recognized the Building Commissioner who offered a cursory survey of matters before the Plan Commission.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Plan Commission member • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who reported briefly on a local house fire to which the Fire Department responded. There were no injuries.

- **Council President Brian Novak:** • *Town Executive • Police Pension Board of Trustees Chair • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

The Town Council President recognized the Metropolitan Police Chief, who offered a brief survey of matters before of the Traffic Safety Commission.

Comments from the Public or Visitors

1. Rick Volbrecht, 9221 Parkway Drive, Highland, referred particularly to three accounts that had credit balances, which by the adoption of Resolution No. 2011-08, were being transferred to the Office of the Indiana Attorney General as abandoned personal property. Mr. Volbrecht indicated that the three he noted could be contacted regarding the disposition of the unclaimed credit balances and could be tendered to those he found before the unclaimed money was transferred. The Town Clerk-Treasurer indicated he would follow-up with him regarding the accounts' owners.
2. Dan Dernulc, 9905 Prairie Avenue, Highland, former Town Council member and current Lake County Councilor, reported on the status of some legislation pending in the Indiana General Assembly and discussed that for Lake County, the Tax collections were running at 89% but were budgeted at 92%. So additional budget reductions would be necessary.

County Councilor Dernulc also engaged in an informal colloquy with the Town Councilors regarding the status of the Little Calumet River Flood Control Project and efforts to modify the flood zone maps to allow residents to enjoy less costly flood insurance premiums or remove the requirement for the insurance altogether.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period February 15, 2011 through to February 28, 2011 as well as the Payroll Dockets of January 14, 2011; January 28, 2011; February 11, 2011; and February 25, 2011. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$207,301.96; Motor Vehicle Highway and Street (MVH) Fund, \$51,566.01; Forfeited and Seized Assets Fund, \$1,000.00; Law Enforcement Cont. Education and Supply Fund, \$298.68; Innkeepers Tax Fund, \$1,000.00; Insurance Premium Fund, \$91,312.00; Information and Communications Technology Fund, \$5,563.73; Special Events Non Reverting Fund, \$211.56; Police Pension Fund, \$58,310.24; Municipal Cumulative Capital Development Fund, \$4,791.10; Traffic and Law Violations Agency Fund, \$1,774.00; Safe Neighborhood Grant Fund, \$19,741.98; Sexual Predator Grant Fund, \$1,930.00; Gaming Revenue Sharing Fund, \$9,744.63; Corporation Capital Fund, \$115.41; Total: \$454,661.30.

January 14, 2011 Payroll Docket in the amount of **\$177,947.51**; January 28, Payroll Docket in the amount of **\$259,214.06**; February 11, 2011 Payroll Docket in the amount of **\$180,144.68**; and the February 25 2011 Payroll Docket in the amount of **\$237,410.69**.

Adjournment. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, February 28, 2011 was adjourned at 8:02 O'clock p.m. A study session followed.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting of Monday, February 28, 2011 at 8:10 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also present: Lake County Councilor Dan Dernulc and Peter T. Hojnicky, Metropolitan Police Chief were also present.

General Substance of Matters Discussed.

1. The Town Council, the Clerk-Treasurer and the Metropolitan Police Chief discussed the feasibility and the permissibility of offering a worker buy-out to induce worker retirement and to reduce the total workforce.

The Metropolitan Police Chief indicated his desire to reduce the full-time radio dispatcher workforce, noting one worker had twenty-five years of service and was believed to be eligible for Medicare. It was noted that it was likely that the Town Council could under its general powers and its home rule powers could establish and authorize a paid "buy-out" or incentive to encourage a worker to retire. However, it was noted that any such program must be offered to a class of workers rather than a single, individual worker.

The Police Chief and the Clerk-Treasurer would follow-up and seek further information.

2. The Town Council discussed the possibility of acquiring replacement fire trucks under a unique opportunity for savings or discount, based upon some initial information obtained by the Fire Chief in which **American LaFrance** may have some fire pumper trucks, that have never been titled and may be available for purchase at a signification discount. It was noted that further information should be obtained and that the Fire Chief should report back to the Town Council at its next study session.

Adjournment. There being no further business to be discussed by the Town Council, the study session of the Town Council, immediately following the plenary meeting of **Monday, February 28, 2011**, was adjourned at 8:40 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer